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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,859	02/28/2000	D. Neale BARRET	SJO000031US1	9122

24033 7590 07/17/2002

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EXAMINER

CHANCE, JANET D

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/513,859	BARRET ET AL.
	Examiner Janet D. Chance	Art Unit 3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 February 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 February 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed 28 February 2000. Claims 1-36 are pending. The IDS statement filed 28 February 2000 has been entered and considered.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Figure 4, element 102 and Figure 5, elements 200, 202, 204, 206, 208, 214, 216, 218, 220, 222, 224, and 226. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: Element 46 is described as both the medication schedule view (page 8 line 8) and the medication view (page 8 lines 18 and 25). Descriptions for element 46 must be consistent.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

5. Claims 25-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Under the statute, the claimed invention must fall into one of the four recognized statutory classes of invention, namely, a process (or method); a machine (or system); an article of manufacture; or a composition of matter.

(A) Claims 25-36 appear to be directed toward a computer program (article of manufacture). Under the guidance of recent case law, the requirements of 35 U.S.C. 101 are met when “the practical application of the abstract idea produces a useful, concrete, and tangible result” (State Street Bank & Trust Co. vs. Signature Financial Group, Inc., 47 USPQ2d 1596, 1601-02 (Fed. Cir. 1998)). However, the claims, as presently recited, do not have a tangible result. Computer programs not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. In particular, it is unclear whether the computer program, as recited in claims 25-36, is embodied on a specific computer readable medium within the technological arts (and thus tangible), since it appears the computer program is not limited to any particular product member. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer’s program to be realized (see MPEP section 2106 section IV, B, 1, (a) for further guidance). Simply stated, how is the claimed computer program tangibly embodied within the article of manufacture and how is that embodiment related to the computer?

In light of the above, it is respectfully submitted that the claimed invention, although useful and concrete, is not tangible, and thus fails to recite the practical application of an abstract idea to satisfy the requirements of 35 U.S.C. 101.

(B) The above deficiencies may be cured by simply explicitly reciting that the claimed articles of manufacture *are embodied on a computer-readable medium* (as appropriate), provided Applicant show proper support for such recitations in the originally filed specification.

(C) Similar analysis applies to independent claim 31, as well. Claims 26-30, and 32-36 incorporate the deficiencies of the claims 25 and 31, through dependency, and are therefore rejected.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2-3, 7-8, and 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(A) Claim 2 recites the limitation "views of the patient medication and appointment schedule information" in line 3-4. There is insufficient antecedent basis for this limitation in the claim as the dependent claim recites only "one of medical history information, medication schedule

information and appointment information.” It is unclear whether the applicant intends for all of the types of information to be present in the invention.

For purposes of applying art, the examiner interprets these and all claims to be inclusive of all types of information.

(B) Similar analysis can be applied to claims 3, 7-8, and 12-14.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3, 6-7, 10-12, 14, 17-19, 23-26, 31-33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (U.S. Patent No. 6,161,095) in view of Brown (U.S. Patent No. 6,032,119).

(A) As per claim 1, Brown (095) discloses a method for maintaining patient medical information (Brown (095); col. 4, lines 46-48) comprising:

(a) generating an electronic patient data structure (Brown (095); col. 4, line 7) including medication information (Brown (095); col. 5, lines 8-23), and medical history information (Brown (095); col. 6, lines 8-14).

As per the recitation of including patient biographical information, Brown (095) discloses the refilling and delivery of medication, which would require the use of biographical information including full name, insurance, and address (Brown (095); col. 3, lines 3-5).

As per the recitation of appointment schedule information, Brown (095) discloses the physical and psychological therapy regimen (Brown (095); col. 5, lines 8-23). However, Brown (095) does not expressly disclose the therapies to include appointments. Brown (119) discloses generating a patient data structure including appointment schedule information (Brown (119); Figure 4-D and 5-B, col. 6 lines 37-41). It would have been obvious for one of ordinary skill in the art at the time of the invention, to add the feature of Brown (119) with the method of Brown (095) with the motivation of informing patients to follow treatment regimens, particularly when patients are forgetful (Brown (095); col. 2, lines 14-15), and

(b) electronically transmitting the patient data structure between a physician computer (151) and a portable patient (112) (Brown (095); col. 4, lines 43-54 and Figure 3), wherein the patient data structure can be modified (Brown (095); col. 5, lines 24-25).

(B) As per claim 2, Brown (095) discloses the portable patient device includes a display (117) (Brown (095); Figure 3), displaying patient medication information (Brown (095); col. 5, lines 4-23). However, Brown (095) does not expressly disclose the display of appointment schedule information. Brown (119) teaches the portable patient device displaying appointment information (Brown (119); Figure 4-D and 5-B, col. 6 lines 37-41). It would have been obvious for one of ordinary skill in the art at the time of the invention, to add the feature of Brown (119)

with the method of Brown (095) with the motivation of informing patients to follow treatment regimens, particularly when patients are forgetful (Brown (095); col. 2, lines 14-15).

(C) As per claim 3, Brown (095) teaches:

- (a) the portable patient device indicating that one scheduled patient medication was taken (Brown (095); col. 5, lines 24-26), and
- (b) storing the indication of taking the medicine in the patient data structure in the portable patient device (Brown (095); col. 5, lines 27-30).

(D) As per claim 6, Brown (095) teaches the method as rejected in claim 1, further comprising;

- (a) the physician computer (Brown (095); col. 7, line 63 to col. 8, line 2) adding medication events to the patient data structure (Brown, col. 5, lines 4-23). However, Brown (095) does not expressly disclose the physician computer adding an appointment event to the patient data structure. Brown (119) teaches the physician computer adding appointment events (Brown (119); col. 4, lines 32-44). It would have been obvious to add the feature of Brown (119) to the method of (brown (095) with the motivation of motivating a patient to follow a prescribed regimen (Brown (119); col. 1, lines 60-61), and
- (b) transmitting the modified patient data structure to the patient device (Brown (095); col. 14, lines 26-34).

Art Unit: 3626

(E) Claim 7 differs from claim 2 with the recitation of views “ that were added to the patient data structure”. Brown (095) teaches the modification to the patient data structure (Brown (095) col. 7, lines 63 to col. 8, lines 2). The remaining limitations repeat the same limitations as that of claim 2 and are rejected for the same reasons provided for that claim, and incorporated herein.

(F) As per claim 10, Brown teaches an additional client device (110) to modify the patient data structure and transmit the modified structure to the portable patient device (112) (Brown (095); Figure 1 and col. 3, lines 18-27).

(G) System claim 11 differs from claims 1 and 6, in two ways. First, claim 11 has an added recitation of “receiving the patient data structure from the portable patient device.” Brown (095) teaches the physician computer receiving data from the portable patient device (Brown (095); col. 7, lines 40-43).

Second, claims 1 and 6 contain a method recited as a series of function steps whereas claim 11 contains features recited in a “means plus function” format. As the method of step claim 1 and 6 have been shown to be disclosed or obvious by the combined teachings of Brown (095) and Brown (119), it is readily apparent that the “means” to accomplish those method steps is obvious in view of the prior art. As such, the limitations recited in claim 11 are rejected for the same reasons given for method claims 1 and 6, and incorporated herein.

(H) As per claim 12, Brown (095) teaches the physician computer having means for displaying the patient medication information stored in the patient data structure (Brown (095);

col. 7, line 64 to col. 8, line 2). However, Brown (095) does not expressly teach the physician computer displaying the appointment schedule information. Brown (119) teaches the physician computer displaying appointment schedule information (Brown (119); col. 4, lines 32-45). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the feature of Brown (119) with the system of Brown (095) with the motivation of informing patients to follow treatment regimens, particularly when patients are forgetful (Brown (095); col. 2, lines 14-15).

(I) System claim 14 differs from claim 6, in that claim 6 contains a method recited as a series of function steps whereas claim 14 contains features recited in a “means plus function” format. As the method of step claim 6 has been shown to be disclosed or obvious by the combined teachings of Brown (095) and Brown (119), it is readily apparent that the “means” to accomplish those method steps is obvious in view of the prior art. As such, the limitations recited in claim 14 are rejected for the same reasons given for method claim 6 and incorporated herein.

(J) Claim 17 recites the same limitations as claim 11, and therefore is rejected for the same reasons provided for that claim, and incorporated herein.

(K) System claim 18 differs from claim 2, in that claim 2 contains a method recited as a series of function steps whereas claim 18 contains features recited in a “means plus function” format. As the method of step claim 2 has been shown to be disclosed or obvious by the combined teachings of Brown (095) and Brown (119), it is readily apparent that the “means” to accomplish

those method steps is obvious in view of the prior art. As such, the limitations recited in claim 18 are rejected for the same reasons given for method claim 2 and incorporated herein.

(L) Apparatus claim 19 differs from claim 3, in that claim 3 contains a method recited as a series of function steps whereas claim 19 contains features recited in a “means plus function” format. As the method of step claim 3 has been shown to be disclosed or obvious by the combined teachings of Brown (095) and Brown (119), it is readily apparent that the “means” to accomplish those method steps is obvious in view of the prior art. As such, the limitations recited in claim 19 are rejected for the same reasons given for method claim 3 and incorporated herein.

(M) System claim 23 differs from claim 10, in that claim 10 contains a method recited as a series of function steps whereas claim 23 contains features recited in a “means plus function” format. As the method of step claim 10 has been shown to be disclosed or obvious by the combined teachings of Brown (095) and Brown (119), it is readily apparent that the “means” to accomplish those method steps is obvious in view of the prior art. As such, the limitations recited in claim 23 are rejected for the same reasons given for method claim 10 and incorporated herein.

(N) As per claim 24, Brown (095) discloses a palm computing device and a hand-held computing device (Brown (095); col. 3, lines 18-20).

(O) Product claim 25 recites the same limitations as claim 11, and is therefore, rejected for the same reasons provided for that claim, and incorporated herein.

(P) Claim 26 recites the same limitations as claim 12, and is therefore, rejected for the same reasons provided for that claim, and incorporated herein.

(Q) Claim 31 differs from claim 1 in two ways. First, claim 31 recites the storing of the patient data structure in the portable device. Brown (095) teaches the portable device (112) having memory (114) (Brown (095); Figure 3).

Second, claim 1 contains a method recited as a series of function steps whereas claim 31 contains features recited in a “means plus function” format. As the method of step claim 1 has been shown to be disclosed or obvious by the combined teachings of Brown (095) and brown (119), it is readily apparent that the “means” to accomplish those method steps is obvious in view of the prior art. As such, the limitations recited in claim 31 are rejected for the same reasons given for method claim 1 and incorporated herein.

(R) Product claim 32 differs from claim 2, in that claim 2 contains a method recited as a series of function steps whereas claim 32 contains features recited in a “means plus function” format. As the method of step claim 2 has been shown to be disclosed or obvious by the combined teachings of Brown (095) and Brown (119), it is readily apparent that the “means” to accomplish those method steps is obvious in view of the prior art. As such, the limitations

recited in claim 32 are rejected for the same reasons given for method claim 2 and incorporated herein.

(S) Product claim 33 differs from claim 3, in that claim 3 contains a method recited as a series of function steps whereas claim 33 contains features recited in a "means plus function" format. As the method of step claim 3 has been shown to be disclosed or obvious by the combined teachings of Brown (095) and Brown (119), it is readily apparent that the "means" to accomplish those method steps is obvious in view of the prior art. As such, the limitations recited in claim 33 are rejected for the same reasons given for method claim 3 and incorporated herein.

(T) Product claim 36 differs from claim 10, in that claim 10 contains a method recited as a series of function steps whereas claim 36 contains features recited in a "means plus function" format. As the method of step claim 10 has been shown to be disclosed or obvious by the combined teachings of Brown (095) and Brown (119), it is readily apparent that the "means" to accomplish those method steps is obvious in view of the prior art. As such, the limitations recited in claim 36 are rejected for the same reasons given for method claim 10 and incorporated herein.

10. Claims 4, 20 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (095) and Brown (119) as applied to claims 1, 17, and 31 above, and further in view of Rose (U.S. Patent No. 4,695,954).

(A) As per claim 4, Brown (095) discloses the patient portable unit having a presentation element including the ability to produce sound and audible signals (Brown (095), col. 5, lines 41-47). However, Brown (095) does not expressly disclose the step of setting an alarm to activate and provide an alert of a scheduled event. Rose teaches the use of a home mediation dispenser that alarms a user of the time to take medication (Rose; col. 5, lines 43-48, col. 10 lines 55-60 and, col. 11, lines 26-27). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the feature of Rose with the method of Brown (095) and Brown (119) with the motivation of enhancing the reliability of self-medication (Rose; col. 2, lines 45-46).

(B) Claim 20 differs from method claim 4, in that claim 4 contains a method recited as a series of function steps whereas claim 20 contains features recited in a “means plus function” format. As the method of step claim 4 has been shown to be disclosed or obvious by the teachings of Brown, it is readily apparent that the “means” to accomplish those method steps is obvious in view of the prior art. As such, the limitations recited in claim 20 are rejected for the same reasons given for method claim 4 and incorporated herein.

(C) Claim 34 differs from claim 4, in that claim 4 contains a method recited as a series of function steps whereas claim 20 contains features recited in a “means plus function” format. As the method of step claim 4 has been shown to be disclosed or obvious by the teachings of Brown, it is readily apparent that the “means” to accomplish those method steps is obvious in view of the

prior art. As such, the limitations recited in claim 34 are rejected for the same reasons given for method claim 4 and incorporated herein.

11. Claims 5, 9, 13, 16, 21-22, 27-28, 30, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (095) and Brown (119) as applied to claims 1, 11-12, 17, 25-26 and 31 above, and further in view of Ballantyne (U.S. Patent No. 5,867,821).

(A) As per claim 5, Brown (095) teaches a method of maintaining patient information as rejected in claim 1. However, Brown (095) and Brown (119) do not expressly disclose the step of generating log information indicating modifications to the patient data structure. Ballantyne teaches the creating of a log to indicate modifications to the patient data structure (Ballantyne; col. 2, lines 27-44 and col. 8, lines 53-56). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the feature of Ballantyne to the method of Brown (095) and Brown (119) with the motivation of documenting the access to each patient record (Ballantyne; col. 8, lines 54-56)

As per the recitation of the log being read-only, Ballantyne teaches various levels of security that are applied to different sections of the patient data structure (Ballantyne; col. 8, lines 7-9). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the feature of Ballantyne to the system of Brown (095) and Brown (119) with the motivation of facilitating the establishment of an unique audit trail (Ballantyne; col. 15, line 18)

Art Unit: 3626

(B) As per claim 9, Brown (095) and Brown (119) disclose the method for maintaining electronic medical information as rejected in claim 1. Further Brown (095) teaches the medical professional to automatically approve refills and order delivery of medications (Brown (095); col. 3, lines 3-6). However, the combined teachings of Brown (095) and Brown (119) fail to expressly teach the patient data structure including insurance billing information. Ballantyne discloses a patient data structure with insurance billing information (Ballantyne; col. 2, lines 27-30 and lines 43-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the feature of Ballantyne to the method of Brown (095) and Brown (119) with the motivation of providing a more automated system for administration of electronic health records (Ballantyne; col. 1, lines 57-59).

(C) Claim 13 differs from claim 5, in that claim 5 contains a method recited as a series of function steps whereas claim 13 contains features recited in a “means plus function” format. As the method of step claim 5 has been shown to be disclosed or obvious by the combined teachings of Brown (095), Brown (119) and Ballantyne, it is readily apparent that the “means” to accomplish those method steps is obvious in view of the prior art. As such, the limitations recited in claim 13 are rejected for the same reasons given for method claim 5 and incorporated herein.

As per the recitation of specifically the physician computer having the means to generate the log, Ballantyne shows both the physician computer (Nursing Station or Physicians Specialist Offices) and portable device (10) (Ballantyne; Figure 1) and also discloses that each patient record has its own audit trail and any user access to the record is recorded (Ballantyne; col. 8,

lines 53-56). Therefore, it is readily apparent that the physician computer comprises the means for generating log information.

(D) System claim 16 differs from claim 9, in that claim 9 contains a method recited as a series of function steps whereas claim 16 contains features recited in a “means plus function” format.

As the method of step claim 9 has been shown to be disclosed or obvious by the combined teachings of Brown (095), Brown (119) and Ballantyne, it is readily apparent that the “means” to accomplish those method steps is obvious in view of the prior art. As such, the limitations recited in claim 16 are rejected for the same reasons given for method claim 9 and incorporated herein.

(E) System claim 21 differs from claim 5, in that claim 5 contains a method recited as a series of function steps whereas claim 21 contains features recited in a “means plus function” format.

As the method of step claim 5 has been shown to be disclosed or obvious by the combined teachings of Brown (095), Brown (119) and Ballantyne, it is readily apparent that the “means” to accomplish those method steps is obvious in view of the prior art. As such, the limitations recited in claim 21 are rejected for the same reasons given for method claim 5 and incorporated herein.

(F) Claim 22 recites the same limitations as claim 9, and is therefore, rejected for the same reason provided for that claim and incorporated herein.

(G) Claim 27 recites the same limitations as claim 13, and is therefore, rejected for the same reason provided for that claim and incorporated herein.

(H) As per claim 28 recites the same limitations as claim 14, and is therefore, rejected for the same reason provided for that claim and incorporated herein.

(I) As per claim 30, Brown (095) and Brown (119) disclose the article of manufacture as rejected in claim 25; however, they fail to disclose the physician computer accessing insurance billing information. Ballantyne teaches accounting and billing software and services (Ballantyne; col. 6, line 66 to col. 7, line 1, and claim 1(ix)). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the feature of Ballantyne with the system of Brown (095) and Brown (119), with the motivation of rendering paperless many record keeping operations of a typical hospital (Ballantyne; col. 2, lines 56-57).

(J) Claim 35 recites the same limitations as claim 21, and is therefore, rejected for the same reason provided for that claim and incorporated herein

12. Claims 8, 15 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (095) and Brown (119) as applied to claims 1, 6-7, 11 and 25 above, and further in view of Evans (U.S. Patent No. 5,924,074).

(A) As per claim 8, Brown (095) and Brown (119) teach the method as rejected in claims 1 and 6, and further comprising:

(a) storing multiple data structures in the physician computer. However, Brown (095) and Brown (119) do not expressly teach storing multiple patients' data structures with the physician computer. Evans teaches the storage of multiple patient data in the physician computer (Evans; col. 5, lines 8-21 and Figure1). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the feature of Evans with the system of Brown (095) and Brown (119) with the motivation of automating and simplifying existing methods of patient chart creation, maintenance and retrieval (Evans; col. 2, lines 22-24).

(b) displaying an interactive schedule of patient appointments from the information stored in the patient data structure and adding an appointment to the data structure via the interactive display. However, the combined teachings of Brown (095) and Brown (119) do not expressly disclose the physician computer displaying an interactive schedule of patient appointments from the information stored in the patient data structure and adding an appointment to the data structure via the interactive display. Evans teaches a patient data structure (Evans; col. 8, lines 29-31) and displaying an interactive schedule of patient appointments and adding an appointment to the patient file (Evans; col. 5, lines 56 to col. 6 line 9 and col. 6, line 14-18)). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the feature of Evans with the system of Brown (095) and Brown (119) with the motivation of automating and simplifying existing methods of patient chart creation, maintenance and retrieval (Evans; col. 2, lines 22-24).

(B) System claim 15 differs from claim 8, in that claim 8 contains a method recited as a series of function steps whereas claim 15 contains features recited in a “means plus function” format. As the method of step claim 8 has been shown to be disclosed or obvious by the combined teachings of Brown (095), Brown (119) and Evans, it is readily apparent that the “means” to accomplish those method steps is obvious in view of the prior art. As such, the limitations recited in claim 15 are rejected for the same reasons given for method claim 8 and incorporated herein.

(C) Product claim 29 differs from claim 8, in that claim 8 contains a method recited as a series of function steps whereas claim 29 contains features recited in a “means plus function” format. As the method of step claim 8 has been shown to be disclosed or obvious by the combined teachings of Brown (095), Brown (119) and Evans, it is readily apparent that the “means” to accomplish those method steps is obvious in view of the prior art. As such, the limitations recited in claim 29 are rejected for the same reasons given for method claim 8 and incorporated herein.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not relied upon art teaches a system that stores medical history on a smart card including ID, examination and medication information and the use of a portable device (5,832,488), a system for using a remote device in communication with a physician

computer to handle patient data and transfer of same (5,995,965), a system for scheduling including interaction among participants (6,167,379), a system for remotely monitoring patients after procedures including networked equipment in the patient home (6,055,506), a system for scheduling patient services in a centralized manner (5,065,315), a remote system that monitor health including asking questions and scheduling appointments (6,101,478), and a system that captures all patient data at point of services, stores it and allows access over a network to physicians (WO 98/13783).

14 Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703)305-7687 [Official communications]

(703)746-7238 [After Final communications, labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

15 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet D. Chance whose telephone number is (703) 305-5356. The examiner can normally be reached on M-F 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone numbers for the

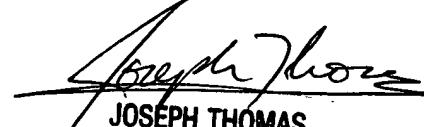
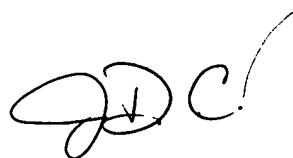
• Application/Control Number: 09/513,859
Art Unit: 3626

Page 21

organization where this application or proceeding is assigned are (703) 746-7687 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JDC
July 3, 2002



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600